

Tommy Higgs
Name
c/o Adeline Hagan 7292 W. Sunset Ave
Mailing address
WASILLA, AK 99623
City, State, Zip
479-502-4818
Telephone

RECEIVED

DEC 27 2019

**CLERK, U.S. DISTRICT COURT
ANCHORAGE, A.K.**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

Tommy Dow Higgs
(Enter full name of plaintiff in this action)

Plaintiff,

Case No. 3:19-cv-322-TMB-MMS
(To be supplied by Court)

vs.

ASRC Energy Services
Darren Rudolph
Kevin B. Harding
(Enter full names of defendant(s) in this action.
Do NOT use et al.)
Jason J. Hackett

Defendant(s).

**COMPLAINT UNDER
THE CIVIL RIGHTS ACT
42 U.S.C. § 1983**

(NON-PRISONERS)

A. Jurisdiction

Jurisdiction is invoked under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you assert jurisdiction under any different or additional authorities, please list them below:

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Tommy Higgs
(print your name)

who presently resides at c/o Adeline Hagan 7292 W. Sunset Ave.
(mailing address) WASILLA, AK 99623

were violated by the actions of the individual(s) named below.

2. Defendants (Make a copy of this page and provide same information if you are naming more than 3 defendants):

Defendant No. 1, Darren Rudolph is a citizen of Alaska, and is employed as a General Foreman ASRC.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 2, Kevin B. Harding is a citizen of Alaska, and is employed as a General Foreman ASRC.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

Defendant No. 3, Taron J. Metcalf is a citizen of Alaska, and is employed as a foreman ASRC.
(state) (name) (defendant's government position/title)

☒ This defendant **personally participated** in causing my injury, and I want **money damages**.

OR

☐ The **policy or custom** of this official's government agency violates my rights, and I seek **injunctive relief** (to stop or require someone do something).

C. Causes of Action (You may attach additional pages alleging other causes of action and facts supporting them if necessary. Make copies of page 5 and rename them pages 5A, 5B, etc. and rename the claims, "Claim 4," "Claim 5, etc.").

Claim 1: On or about 12-8-2017, my civil right to
Freedom from Cruel and Unusual Punishment
(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and unusual punishment, etc. List only one violation.)
was violated by Jason J. Metcalf
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 1. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

As an equipment operator for ASRC energy services I worked with Mr. Metcalf's crew from 3-31-2014 thru 12-31-2017. I had several incidents where Mr. Metcalf was very aggressive in nature, confrontational, and I was subjected to verbal abuse from him. He stated I was an ass kicker, I was a money whore, and that I didn't want him to be an enemy of mine. He also stated that I liked "dark meat" that my wife Aveline Hagan-Higgs is native. I put up with his nonsense for several years. I am a professional and will not tolerate this behavior in the workplace.

Claim 2: On or about 4-7-2018, my civil right to
Freedom from Cruel and Unusual punishment (Date)
(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and
unusual punishment, etc. List only one violation.)
was violated by Darren Rudolph ASRC
(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 2. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

I severed my employment from ASRC
Energy Inc. on 12/31/2017 and was
rehired by Mr. Rudolph on 2-28-2018.
I returned to work, upon rejoining Rudolph
said he was glad I was "back - up"
and that my true colors were exposed
him and his crew members subjected
me to ~~public~~ ridicule about my family
made jokes about my trucking companies
about my disability, about my wife
being a whore, and Mr. James Kinase
was only a shell of his former self
and was in diapers and was no
help to me. I was always given
assignments where I worked alone.

Claim 3: On or about 6-1-2018, my civil right to

Free Speech due process (Date)

(due process, freedom of religion, free speech, freedom of association and/or assembly, freedom from cruel and unusual punishment, etc.) List only one violation.)

was violated by

Kevin Harding

(Name of the specific Defendant who violated this right)

Supporting Facts (Briefly describe facts you consider important to Claim 3. State what happened briefly and clearly, in your own words. Do not cite legal authority or argument. Describe exactly what each defendant, by name, did to violate the right alleged in Claim 3.):

Mr. Harding never agreed with the way I handled Mr. Metcalf's situation by reporting the incidents to ASRC corporate office. He clearly stated he didn't agree with the way I handle my affairs. I was given 30 days to resign and always worked alone and outside. The whole group was more interested in my wife than my well being. The nonsense in that corporation has took a toll on my health, our finances and my life has changed as a result of being employed by them. I have been a direct supervisor of more than 8000 employees and have never experienced a toxic workplace like the one I endured at Wells Group Inc.

D. Previous Lawsuits

1. Have you begun other lawsuits in **state or federal court** dealing with the **same facts** involved in this action, **or otherwise relating to your imprisonment?** ☐ Yes ☒ No

2. If your answer is "Yes," describe each lawsuit.

a. Lawsuit 1:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: ☐ Dismissed ☐ Appealed ☐ Still pending

Issues Raised: _____

b. Lawsuit 2:

Plaintiff(s): _____

Defendant(s): _____

Name and location of court: _____

Docket number: _____ Name of judge: _____

Approximate date case was filed: _____ Date of final decision: _____

Disposition: ☐ Dismissed ☐ Appealed ☐ Still pending

Issues Raised: _____

F. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. Damages in the amount of \$ 3,500,000⁰⁰

2. Punitive damages in the amount of \$ 3,500,000.00
3. An order requiring defendant(s) to change policies, terminate employment
4. A declaration that Apologies to my family & children
5. Other: to address the ASRC employees and admit their guilt.
- Plaintiff demands a trial by jury. ☒ Yes ☐ No

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that s/he is the plaintiff in the above action, that s/he has read the above civil rights complaint and that the information contained in the complaint is true and correct.

Executed at

Anchorage

(Location)

on

12-27-2019

(Date)

[Signature]

(Plaintiff's Original Signature)

Original Signature of Attorney (if any)

(Date)

Attorney's Address and Telephone Number